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HALL OF RECORDS
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REPORT NO. 1 TO THE GENERAL ASSEMBLY
DISTRICT COURT HOUSEKEEPING LEGISLATION

At the organizational meeting of this Commission, Governor Mandel directed it to "[s]ubmit its proposals and recommendations to the General Assembly at such time or times as it may deem expedient."

Last fall, we distributed to the members of the General Assembly our Revisor's Manual. This document explains the Commission's functions, its methods of operation, and its general plan for Code revision. In the covering letter accompanying the Manual, we indicated that we hoped to have a new Natural Resources Article ready for introduction at the 1972 session. This Article has been prepared in rough draft form. The draft runs to over 2,400 typed pages, including Revisor's Notes.

At its December 20 meeting, the Commission concluded that it would not be possible to review and complete this draft in time for action at this session. The staff was directed to prepare it for

submission to the Legislative Council later in the year.

At the same time, the Commission decided to proceed with preparation of legislation made desirable by the District Court constitutional amendment and its implementing statutes. It is this legislation (S.B. 660 and H.B. 1134) which we now present to you.

Establishment of the District Court system left the Code replete with obsolete terminology referring to justices of the peace, magistrates, and now defunct courts of limited jurisdiction. In addition, many statutes, particularly in Article 52, are no longer needed because their subject-matter is covered by provisions applicable to the District Court.

Of even greater importance are the laws which are inconsistent with the District Court statutes, and superseded or impliedly repealed by them or by implementing rules. For example, portions of Article 2B, Sec. 118, give certain magistrates jurisdiction over any minors charged with possession of alcoholic beverages. This cannot be corrected merely by changing "magistrate" to "District Court". Article 26, Sec. 145(b)(2) grants criminal jurisdiction to the District Court only with respect to persons 18 or over, and Article IV, Sec. 41A of the Constitution in general requires uniform State-wide jurisdiction for the District Court. Consequently, to reflect the actual state of the law, Article 2B, Sec. 118 and similar statutes must be amended to make clear that the District Court has jurisdiction over minors charged with possession of alcoholic beverages only if the minors are over 18.

Still another problem area involves statutes applicable to former courts of limited jurisdiction, but only in one or more local subdivisions. Should such provisions be retained on a local basis, repealed, or made State-wide in application? In each case, we have made a choice - one which we believe to be logical. However, we have no intention of dictating policy, or substantive law. We recognize that these are matters peculiarly within the responsibility of the General Assembly. Where the Commission has proposed one of several alternatives in a policy area, it has done so chiefly to provide a focus for deliberation and ultimate determination by the legislature. To make this clear, SB 660 and HB 1134 contain provisions which permit other measures enacted at this session to supersede inconsistent portions of the housekeeping bills. This follows the approach taken in the 1970 revision of Article 66 1/2; see also Article 1, Sec. 17 of the Code.

The amendments proposed in these bills do not in general include stylistic or arrangement improvements. The piece-meal nature of the bills made this impractical. Such improvements will, of course, be proposed during the normal course of future code revision.

The bills we now present have been prepared both through use of computer searches and through personal study. They have been carefully considered by the Commission, in consultation with representatives of the District Court, the Administrative Office of the Courts, the Motor Vehicle Administration, the Landlord-Tenant Commission, the State Bar Association Section of Judicial Administration, and others. They are a preliminary step in preparation of a new Article on Courts and Judicial Proceedings, but go beyond this in that they affect a great many portions of the Code. We believe

that by substituting accurate for obsolete terms they will improve the clarity and precision with which our laws are stated. By resolving inconsistencies and conflicts between statutes they will reduce confusion and remove from the user of the Code the necessity of making his own individual decision as to the governing provision. Finally, they will eliminate from the Code a great deal of material no longer of current value.

The form of the bills is somewhat unusual, in that they contain Revisor's Notes explaining the reasons for each proposal. The Notes will not become part of the law, but the Commission thought this form would facilitate study of the bills by including both statutes and comments in a single document. The Notes are frequently extensive, and attempt to flag any questions of policy or substance presented for the General Assembly's consideration. In particular, we urge your careful consideration of the Notes dealing with the statutes listed below. Some of them exemplify problems found in a number of areas of the Code.

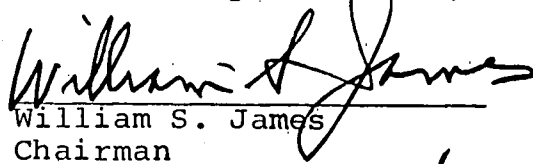
<u>Code Art. & Sec.</u>	<u>Bill Section</u>	<u>Subject Matter</u>
Art. 2B, §118	4	District Court jurisdiction over minors; uniformity of jurisdiction; juvenile court jurisdiction.
Art. 2B, §121(b)	4	Mandatory imprisonment in default of payment of fines.
Art. 2B, §197	4	Disposition of criminal fines and penalties imposed by District Court and by a circuit court after a de novo appeal.

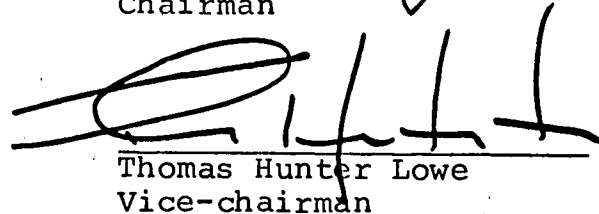
<u>Code Art. & Sec.</u>	<u>Bill Section</u>	<u>Subject Matter</u>
Art. 5, §30	6	Trial de novo appeal after guilty plea; disposition of costs and fines on appeal.
Art. 5, §43	6	Imposition of sentence on appeal; jury trials.
Art. 5, §46	7	Delayed appeals.
Art. 23, §318	18	Sheriff's jury.
Art. 26, §§20, 21, & 150 (b)	24 and 25	Lien effect of judgments.
Art. 26, §§125(c) & 160	24 and 26	Judicial pensions
Art. 26, §145A (present Art. 52, §7)	26	Grantee suits - time for taking appeal.
Art. 26, §145B (present Art. 52, §46)	26	Peace bonds.
Art. 26, §146A (present Art. 26, §113(g))	26	Suspension of drivers' licenses.
Art. 26, §150(a)	24	Disposition of records.
Art. 26, §150(b) (present Art. 52, §58(g))	24	Delivery of deed following execution sale.
Art. 26, §159 (present Art. 52, §127; see also Art. 52, §99(e))	26	Probationer's school - Baltimore County.
Art. 27, §§406B & 406C	28	See Art. 2B, §118
Art. 27, §594D	29	Prince George's County summons procedure
Art. 31B, §15	31	Defective delinquency - effect of District Court conviction.
Art. 52 - In general	45	Justices of the Peace.
Art. 52, §15	45	Trial de novo.
Art. 52, §45	45	Pleading partnership, etc.
Art. 52, §§75-89	45	Supersedeas.

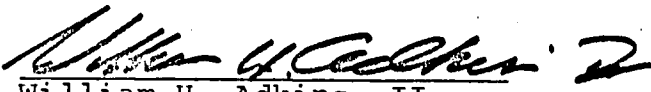
<u>Code Art. & Sec.</u>	<u>Bill Section</u>	<u>Subject Matter</u>
Art. 52, §92	45	Claimant of property seized in execution.
Art. 53, §§4, 39 & 39R	46	Appeal times.
Art. 56, §198	47	Dogs killing sheep, - non-judicial duties.
Art. 62, §17	49	Validation of certain marriages.
Art. 66C, §§122, 176, 179, 217, & 717	59	Forfeitures.
Art. 87, §6	66	Sheriff taking bail.

To assist you in locating material in the bills, cross-reference tables are attached to this Report.

Respectfully submitted,


William S. James
Chairman


Thomas Hunter Lowe
Vice-chairman


William H. Adkins, II
Director

cc: Governor Marvin Mandel